

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 20, 2002

IN RE:

**PETITION FOR APPROVAL
OF AMENDMENTS TO THE
INTERCONNECTION AGREEMENT
BETWEEN BELL SOUTH
TELECOMMUNICATIONS, INC. AND
NOW COMMUNICATIONS, INC.**

)
)
)
)
)
)
)

DOCKET NO. 02-00837

**ORDER APPROVING
AMENDMENTS TO THE INTERCONNECTION AGREEMENT**

This matter came before Director Deborah Taylor Tate, Director Pat Miller, and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on September 9, 2002 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the amendments to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and NOW Communications, Inc.

The original interconnection agreement and amendments were filed on February 4, 2002, and assigned Docket No. 02-00114. They were approved at the March 12, 2002 Authority Conference. The second amendments, which are the subject of this docket, were filed on October 24, 2002 under Docket No. 02-00837.

Based upon the review of the second amendments, the record in this matter, and

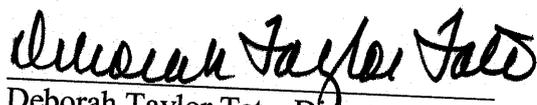
the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendments are in the public interest as they provide consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.
- 3) The amendments are not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendments are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
- 5) No person or entity has sought to intervene in this docket.
- 6) The amendments are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

¹ See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the second amendments to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and NOW Communications, Inc. are approved and are subject to the review of the Authority as provided herein.


Deborah Taylor Tate, Director


Pat Miller, Director


Ron Jones, Director